

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the remarks herein.

Upon entry of this response, claims 1–16 will be pending. No new matter has been added.

Allowable Subject Matter

It is appreciatively noted that claims 1–9 and 12–15 are allowed.

§102 Rejection of Claims 10–11 and 16

In Section 3 of the Office Action, claims 10–11 and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yuen *et al.* (U.S. Patent 5,488,409; hereinafter referred to as “Yuen”).

The Specification states, “[t]he video game apparatus 1 is arranged to perform a video game according to an application program stored in the package medium 100, and to receive data broadcast from a broadcasting station [11]... serving as a data transmitting apparatus.”

Specification, page 9, lines 17–21. That is, the apparatus executes video game programs stored on a mass storage medium such as a CD-ROM or DVD. *See Specification, page 10, lines 11–12.* More specifically, “[t]he CPU 5 [controls] the execution of the application program stored in the package medium 100 based on the data control information contained in the [data received via the broadcast].” *Specification, page 11, lines 14–17.* For the data broadcast by the broadcaster to function with the proper application stored on the package medium, the broadcast data contain an ID designating a package medium (i.e., mass storage medium) containing the appropriate

video game application. That is, “[t]he data control information added to the data ... comprises medium identification information.” *Specification, page 12, lines 4–6*. “Specifically, the medium identification information is a recording medium ID (identification) information for identifying recording mediums such as the package medium 100, and specifically comprises a designated disk number (particular disk number). The ID information serves to identify or confirm a recording medium itself.” *Specification, page 12, lines 16–17*. Thus, embodiments of the present invention provide for a video game apparatus which reads executable files and data files from a mass storage medium and receives additional control data via broadcast. The broadcast data are designated to particular applications, so an ID is therefore included in the broadcast data specifying the medium containing the application for to which the data are designated.

Addressing the requirement for an ID to designate a package medium, the structure of data transmitting apparatus of claim 10, as presented herein, includes:

“*A data transmitting apparatus for transmitting data to a data receiving apparatus, comprising:*

means for transmitting data containing an ID of a particular recording medium, the ID transmitted by broadcast,

wherein said particular recording medium is provided on the side of said data receiving apparatus.”

(emphasis added)

Accordingly, in one aspect of claim 10, the data transmitting apparatus includes: means for broadcasting data containing an ID of a particular recording medium, wherein said particular recording medium is provided on the side of said data receiving apparatus.” This aspect is disclosed and illustrated in Figure 10, which shows a particular recording medium (100)

provided on the side of the data receiving apparatus (1) rather than on the side of the data transmitting apparatus (11). It is further stated in the Specification, “[t]he data transmitting apparatus according to the present invention transmits data including the ID of a certain recording medium.” *Specification, page 46, line 27 to page 47, line 2*. In other words, an ID specifying a particular recording medium is transmitted to the data receiving apparatus.

By contrast, Yuen, as cited in the Office Action, teaches of transferring directories between indexing VCRs. *See Office Action, page 3, lines 12–13 and 16–17*. However, when a directory is transferred from a transmitting VCR 10 as a data transmitting apparatus to a receiving VCR 10 as a data receiving apparatus, the directory includes only an ID of a video tape cassette 40 (hereinafter referred to as “40A”) of the transmitting VCR 10. The directory does not include an ID of a video cassette 40 of the receiving VCR 10. The ID of the cassette 40A is thus an ID of a recording medium on the side of a data transmitting apparatus, the transmitting VCR 10, not the ID of a recording medium on the side of a data receiving apparatus, the receiving VCR 10. Because Yuen is silent about “an ID of a recording medium on the side of the data receiving apparatus” provided by embodiments of the present invention, Yuen therefore fails to teach or suggest all of the limitations of claim 10.

Based on the foregoing discussion, claim 10 should be allowable over Yuen. Since claims 11 and 16 depend from claim 10, claims 11 and 16 should also be allowable over Yuen.

Accordingly, it is submitted that the rejection of claims 10, 11 and 16 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1–16 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, were patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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